



# UNITED STATES PATENT AND TRADEMARK OFFICE

7/1

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/877,159	06/08/2001	David M. Baggett	09765-011002	1014
26161	7590	06/26/2006	EXAMINER	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			ART UNIT	PAPER NUMBER

DATE MAILED: 06/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliant Appeal Brief  
(37 CFR 41.37)**

Application No.

09/877,159

Applicant(s)

BAGGETT, DAVID M.

Examiner

Janice A. Mooneyham

Art Unit

3629

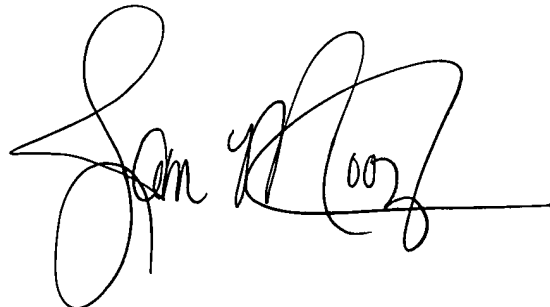
**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

The Appeal Brief filed on \_\_\_\_\_ is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.  
**EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☐ Other (including any explanation in support of the above items):

\_\_\_\_\_



In the appeal brief, under Summary of Claimed Subject Matter, the applicant provides a background discussion and a discussion of the benefits/advantages of the applicant's invention. The rules under 37 CFR 41.37 changed the section Summary of the Invention to Summary of the Claimed Invention. This section requires the applicant to provide a concise explanation of the subject matter defined in each of the independent claims with a reference to the specification by page and line number and to the drawing, if any, by reference character.

Claim 1 is directed to a method. The applicant has identified claim 1 as having a fare construction process 40 which resides on computer system 10 or may reside on a server, not shown in a conventional manner, such as a client-server. The only structure recited in claim 1 is in the preamble wherein the applicant identifies that the method is executed in a computer system having memory and persistent storage device and in the body of the claim wherein the applicant claims searching a database and storing in a memory or persistent storage. There is no fare construction process 40 claimed in claim 1. Claim 1 does not claim that the fare construction process 40 resides on the computer system 10 or the server.

Applicant identifies a first hash table 37a in claim 1. There is no hash table claimed in claim 1. The applicant further identifies claim 1 as claiming the hash table returning in constant time, the list of gateway cities. The hash table is not in independent claim 1, but in dependent claims 2, 4, and 5.. The constant time is in dependent claims 3 and 6.

The majority of what is disclosed on page 4 of the appeal brief is not subject matter that the applicant has defined in independent claim 1. As for independent claims 14, 22, 35, and 43, the applicant has also identified subject matter that is not in the independent claims. Some of the limitations are found in the dependent claims or the applicant has imported disclosure from the specification that applicant has not claimed. The applicant is requested to provide a summary of the claimed subject matter only. For any dependent claim argued separately, the applicant must identify the dependent claim and the set forth reference to the specification, or drawings, of each dependent claim that applicant is arguing separately.